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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,336	11/13/2001	Aldo Stabile	1905	5872

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EXAMINER

FASTOVSKY, LEONID M

ART UNIT	PAPER NUMBER
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3742

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DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,336

Applicant(s)

STABILE, ALDO

Examiner

Leonid M Fastovsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because the heat-radiating board (30,80), the mica-based material (31,32), and the thermo-adhesive layer (36,82,83) are improperly hatched. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Claims 2-3, and 16 are objected to because of the following informalities: the word "fiberglass" (Claims 2 and 16) and "making (Claim 3) are misspelled. Appropriate correction is required.
4. The disclosure is objected to because of the following informalities: the words "materials" (Page 1, line 22), "energy (Page 3, line 4), and "and" (Page 5, line 24) are misspelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "comprising", and the claim also recites "consists" which is the narrower statement of the range/limitation.

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission

amounting to a gap between the necessary structural connections. See MPEP

§ 2172.01. The omitted structural cooperative relationships are: it is not clear what the word "coated related to : the panel or the wire.

9. Claim 11 recites the limitation "the halves 21,22" in claim 9. There is insufficient antecedent basis for this limitation in the claim.

10. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 states that "the hole **also comprising the insulating coating 52 on the wire 51... or equivalent means**". The term "equivalent means" is considered indefinite.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-4, 12-16, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Sangyo et al (JP632777353).

Sangyo et al teaches a heat-radiating panel A comprising one or more pieces of an electrothermal fabric 2 with a fiberglass weft weave F, a highly conductive wire 3 with the electric contacts 2b1 and 2b3, the coating with an insulating material 3a, and the mica-based material (1,4).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sangyo et al in view of Ellis et al (4,250,398) and further in view of Frey et al (3,746,837).

Sangyo et al discloses substantially the claimed features including a heat-radiating panel comprising an electro-thermal fabric, a highly conductive wire, the coating with an insulating material, and the mica-based material, but does not disclose a frame with two halves. Ellis discloses a frame (Col.17, lines 2-10) and Frey et al shows a frame with two halves. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a frame as taught by Ellis et al and Frey et al to improve durability of the panel.

15. Claims 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sangyo et al in view of Shokai (JP62079270)..

Sangyo discloses substantially the claimed features including a heat-radiating panel comprising an electro-thermal fabric, a highly conductive wire, the coating with an insulating material, and the mica-based material, but does not disclose that mica-based material is impregnated with epoxy resins and that the thermo-adhesive material is epoxidic. Shokai discloses the thermosetting epoxy resin. It would have been obvious to

one having ordinary skill in the art at the time the invention was made to use epoxy resin as taught by Shokai to improve performance of the panel.

16. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sangyo et al in view of Hinisi (JP 401249441).

Sangyo discloses substantially the claimed features including a heat-radiating panel comprising an electro-thermal fabric, a highly conductive wire, the coating with an insulating material, and the mica-base material, but does not disclose a sheet of decorative melamide. Hinishi discloses a decorative plate 15 of melamine resin. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a decorative plate of melamide resin as taught by Hinishi to improve durability of the panel.

17. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sangyo et al in view of Kishimoto (5,422,462).

Sangyo discloses substantially the claimed features including a heat-radiating panel comprising an electro-thermal fabric, a highly conductive wire, the coating with an insulating material, and the mica-based material, but does not disclose a thermal sensor. Kishimoto teaches a thermal sensor (Col. 1, lines 15-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a thermal sensor as taught by Kishimoto to open the electric circuit and prevent further generation of heat.

18. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sangyo et al in view of Tanaka et al (JP408298298).

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Sangyo et al discloses substantially the claimed features including a heat-radiating panel comprising an electro-thermal fabric, a highly conductive wire, the coating with an insulating material, and the mica-based material, but does not disclose that holes are made by grinder, by sanding or by a laser. Tanaka et al shows the holes made by laser. It has been obvious to one having ordinary skill in the art at the time the invention was made to use a laser to make holes in the fabric to connect the wire to an electrical contact. In addition, the method of forming the hole is not germane to the issue of patentability of the device itself. Therefore, these limitations have not been given patentable weight.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 703-306-5482. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-3081327. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

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Leonid M Fastovsky
Examiner
Art Unit 3742

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April 23, 2003